

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 6860

Petitions of Vermont Electric Power Company, Inc. )  
(VELCO), Vermont Transco, LLC, Green Mountain Power )  
Corporation (GMP), and Central Vermont Public Service )  
Corporation (CVPS) for a certificate of public good, )  
pursuant to 30 V.S.A. Section 248, authorizing VELCO to )  
construct the so-called Northwest Vermont Reliability )  
Project, said project to include: (1) upgrades at 12 existing )  
VELCO and GMP substations located in Charlotte, Essex, )  
Hartford, New Haven, North Ferrisburgh, Poultney, )  
Shelburne, South Burlington, Vergennes, West Rutland, )  
Williamstown, and Williston, Vermont; (2) the construction )  
of a new 345 kV transmission line from West Rutland to )  
New Haven; (3) the reconstruction of a portion of a 34.5 kV )  
and 46 kV transmission line from New Haven to South )  
Burlington; and (4) the reconductoring of a 115 kV )  
transmission line from Williamstown to Barre, Vermont )

Order entered: 4/23/2009

**ORDER RE REVISED AESTHETIC MITIGATION LANDSCAPE PLANS, WAIVER OF THE  
POST-CONSTRUCTION NOISE STUDY AT THE WILLISTON SUBSTATION,  
AND CONSOLIDATED POST-CONSTRUCTION SITE VISITS**

On March 23, 2009, Vermont Electric Power Company Inc. ("VELCO") filed revised Aesthetic Mitigation Landscape Plans for the 115 kV line, a request for a waiver of the post-construction noise study for the Williston substation, and a request to consolidate post-construction site visits.<sup>1</sup> The Board set a deadline of April 6, 2009 for comments on VELCO's March 23 filings.

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1. VELCO also filed a report on the status of the removal of the 4465 Line between New Haven and Green Mountain Power Corporation's ("GMP") Vergennes Substation. No Board action is needed with respect to this status report.

Revised Aesthetic Mitigation Landscape Plans

VELCO filed its revised aesthetic mitigation landscape plans pursuant to Condition 5 of the Board's Order of June 25, 2007, in which the Board approved final engineering and mitigation plans for the 115 kV line. Condition 5 requires that:

VELCO must submit revised mitigation plans to the Board for approval for locations where a property owner, a municipality or the state denies permission for any of VELCO's proposed off-corridor mitigation plantings.<sup>2</sup>

In its filing, VELCO states that the mitigation plans "have been modified to reflect locations where a property owner or municipality has denied permission for proposed off-corridor mitigation plantings."

On March 27, 2009, comments were filed by one of the landowners who has denied permission for the plantings, Joseph Painting. Mr. Painting claims that VELCO has not disclosed all of the relevant facts including VELCO's failure to offer payment for permission to install the plantings. Mr. Painting states that he would consider allowing the plantings if he were fairly compensated. Mr. Painting further states, "It does not make sense . . . to authorize any departures from previously approved mitigation plans without showing that reasonable terms were offered and rejected."

On March 30, 2009, the Town of Charlotte ("Charlotte") filed comments addressing one Charlotte landowner, Elizabeth Robert, whom VELCO indicated had denied permission for plantings. Charlotte asked for an additional two weeks to continue discussions with Ms. Robert and the Town road commissioner, and then to report back to the Board. Charlotte also recommends that before approving the revised plans, the Board should explore further the compensation issue that Mr. Painting has raised.

On April 3, 2009, VELCO filed additional revisions to the mitigation plans to reflect further discussions with Charlotte and Ferrisburgh. VELCO represents that Ferrisburgh and the Addison County Regional Planning Commission have agreed to the latest revised plans. VELCO also states that it will continue to work with Charlotte and Ms. Robert to finalize plans for that location. VELCO objects to Mr. Painting's raising the compensation issue, saying that the

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2. Order of 6/25/07 at 42.

Board's Order does not require VELCO to offer such compensation and that the issue should have been raised earlier in the docket.

On April 6, 2009, the Vermont Department of Public Service ("Department") filed comments stating that the revised mitigation plans as modified on April 3, 2007, are acceptable. On the compensation issue, the Department asserts that there may be circumstances under which compensation for mitigation plantings might be necessary to avoid undue adverse aesthetic impacts, but that is not the case in this instance. The Department specifically does not support use of ratepayer funds to compensate Mr. Painting for plantings on his property.

Finally, on April 9, 2009, Richard Reid filed comments stating that "substantial and stringent aesthetic mitigation action is needed at the Shelburne Substation." Mr. Reid proposes eight specific requirements in his comments.

We conclude that we do not need, at this time, to address the landowner-compensation issue raised by Mr. Painting. None of the comments indicate that the revised mitigation plans will result in an undue adverse aesthetic impact. Furthermore, we retain the authority to require additional aesthetic mitigation if, following a post-construction site visit, we determine it to be necessary. If we determine that additional mitigation is necessary, we could consider the landowner-compensation issue at that time.

We also do not, at this time, approve the revised mitigation plan for Greenbush Road in Charlotte (Plan L6.4a). In its April 3 filing, VELCO indicates that it continues to work with Charlotte and Ms. Robert "to finalize planting locations on the Robert parcel."

Therefore, the Board approves the revised Aesthetic Mitigation Landscape Plans for the 115 kV line filed on March 23, 2009, as modified by the April 3, 2009, filing, except for Plan L6.4a. The Board retains the authority to require additional mitigation after a post-construction site visit.

VELCO shall file a final proposed Plan L6.4a for Board approval after VELCO concludes its discussions with Charlotte and Ms. Robert; all parties will then have one week to submit comments on the final proposed Plan L6.4a.

As for Mr. Reid's comments regarding the Shelburne Substation, VELCO has not proposed any modifications to the approved plans for the Shelburne Substation location.

Therefore, Mr. Reid's comments are not germane to the specific filing that is currently under review. The Board will take Mr. Reid's comments into consideration in the post-construction review of aesthetic mitigation measures for the substation.

#### Waiver of Post-Construction Noise Study at Williston Substation

VELCO requests a waiver of the post-construction noise study because, according to VELCO, the Williston Substation upgrade "does not involve the installation of transformers or other noise-generating equipment that will increase the noise levels at the substation." The substation upgrade was completed in November, 2007.

The Department supports VELCO's request, stating that the noise study is unnecessary and would be an unnecessary cost to ratepayers.

In the Order of January 28, 2005, approving the overall Northwest Vermont Reliability Project, we required VELCO to perform post-construction noise measurements at the upgraded substations. We decline to modify this requirement for three reasons. First, VELCO's request is extremely tardy, coming more than four years after we established the requirement. Second, although VELCO's March 23 filing states that no new noise-generating equipment was installed in the Williston substation, it does not address whether the substation upgrades may have resulted in increased noise from existing equipment. Third, we included this condition for an important reason: to ensure that the noise levels from the substation upgrades would not have unduly adverse impacts on nearby landowners.<sup>3</sup> Thus, we find insufficient reason for waiving the post-construction noise study for the Williston substation.

#### Post-Construction Site Visits

VELCO requests that the Board consolidate its post-construction site visits so that there is one site visit for the 345 kV line and related substations, and a second for the 115 kV line and substations. The Department supports this request. No other party filed comments on this issue.

VELCO's request is sensible and is approved.

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3. Order of 1/28/05 at 144.

**SO ORDERED.**

Dated at Montpelier, Vermont, this 23rd day of April, 2009.

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	)	PUBLIC SERVICE
	)	
<u>s/David C. Coen</u>	)	BOARD
	)	
	)	OF VERMONT
<u>s/Judith C. Whitney</u>	)	

OFFICE OF THE CLERK

FILED: April 23, 2009

ATTEST: s/Judith C. Whitney  
Deputy Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)*

*Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.*